



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of

Robert M. LORENCE et al

Atty. Ref.: 2370-11; Confirmation No. 4057

Appl. No. 08/260,536

Group: 1648

Filed: June 16, 1994

Examiner: L. Scheiner

For: METHODS FOR TREATING AND DETECTING CANCER USING VIRUSES

\* \* \* \* \*

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**DECLARATION**

I, Kirk W. Reichard, do hereby declare and state:

1. I am named as a joint inventor in the above-identified application.
2. I am named as a joint author of Reichard et al., "Newcastle Disease Virus Selectively Kills Human Tumor Cells", *Journal of Surgical Research*, 52(5), 448-453 (May 1992) (hereinafter: "the Reichard et al paper", copy attached), cited by the Examiner in the official action mailed February 10, 2003 as an allegedly anticipatory reference against claims 318, 320 322, 323 and 328.
3. I have been informed that the subject patent application claims priority of a U.S. patent application filed April 30, 1993 (the "priority date").

4. On November 20-23, 1991, more than one year before the priority date of the present application, I attended a meeting of the Association For Academic Surgery, held at Colorado Springs Colorado (hereinafter, the Colorado meeting), at which meeting I made a presentation entitled "Newcastle Disease Virus Selectively Kills Human Tumor Cells".

5. To the best of my recollection, at no time during my presentation at the Colorado meeting or during the ensuing question time (the total time of my presentation and the questions was no more than about 15 minutes), did I discuss treatment of cancer by systemic administration of a Newcastle Disease Virus.

6. While the Reichard et al paper makes reference to systemic treatment (see, towards the bottom of the left hand column on page 452), that language was included for the first time in the Reichard et al paper when it was initially prepared after the Colorado meeting.

7. To the best of my recollection, I did not publicly disclose, nor am I aware that anyone else publicly disclosed, treatment of cancer by systemic administration of a Newcastle Disease Virus more than one year before the priority date of the present application.

I declare that all statements herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

By:   
Kirk W. Reichard

12/15/03  
Date

Attachment: The Reichard et al paper.